**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE**

**TUESDAY, THE 30TH OCTOBER 2007 / 8TH KARTHIKA 1929**

**WP(C).No. 14226 of 2007(R)**

**PETITIONER:**

**K.P. ANIL KUMAR,**
**MANAGING PARTNER, GOPIKA DAIRY FARMS,**
**KONGORPILLY-683 525.**

**BY ADV. SRI.VAKKOM N.VIJAYAN**
**SMT.VINITHA PRASANNAN**
**SRI.P.ANIYAN**
**SRI.A.S.SACHIN**

**RESPONDENTS:**

1. **STATE OF KERALA,**
   **REPRESENTED BY THE SECRETARY TO GOVERNMENT,**
   **LOCAL ADMINISTRATION DEPARTMENT,GOVT.SECRETARIAT,**
   **TRIVANDRUM.**

2. **THE SECRETARY,**
   **ALANGADU GRAMA PANCHAYAT, NEERIKODE,ALUVA-683 511.**

3. **THE MEMBER SECRETARY,**
   **KERALA STATE POLLUTION CONTROL BOARD,**
   **PATTOM P.O., TRIVANDRUM.**

4. **THE MEDICAL OFFICER,**
   **PUBLIC HEALTH CENTRE, ALANGAD, ALUVA.**

5. **CHIEF ENVIRONMENTAL ENGINEER,**
   **KERALA STATE POLLUTION CONTROL BOARD,**
   **DISTRICT OFFICE, GANDHI NAGAR, KOCHI-682 020.**

*KSS* **...2/-**

***ADDL.R6 & R7 ARE IMPLEADED:**

**R6. P.R.SURESH, S/O.RAGHAVAN,**
**PLACKATTU HOUSE, KONGORPILLY P.O.,**
**PARUR, ERNAKULAM DISTRICT.**

**R7. ABDUL SALAM MOOPPAN,**
**MANDAYAPPURATH HOUSE,**
**CHIRAYAM, PANAYIKKULAM P.O.**

**(*ADDL.R6 & R7 ARE IMPLEADED AS PER ORDER DTD. 28/05/2007 IN I.A.NO.6513/07)**

**BY ADV. SRI.P.B.SAHASRANAMAN for R6 & R7**
**SRI.K.JAGADEESH**
**SRI.T.S.HARIKUMAR**
**SRI.M.K.CHANDRA MOHANDAS,SC,POLL.C.BOARD for R3&R5**
**SRI.DINESH MATHEW J.MURICKEN for R2**
**BY SR. GOVERNMENT PLEADER SRI. K.J.MOHAMMED ANZAR**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

*KSS*

**APPENDIX**

**PETITIONER'S EXHIBITS:**

**EXT.P1:** COPY OF THE LATEST LICENCE ISSUED BY THE 2ND RESPONDENT.

**EXT.P2:** COPY OF LICENCE ISSUED U;NDER THE FACTORIES AND BOILERS ACT.

**EXT.P3:** COPY OF CONSENT GIVEN BYTHE 3RD RESPONDENT.

**EXT.P4:** COPY OF CONSENT DTD. 23/08/2003 ISSUED U/S.21 OF THE AIR (PREVENTION & CONTROL OF POLLUTION)ACT.

**EXT.P5:** COPY OF APPLICATION DTD. 04/08/2006 FILED BY THE PETITIONER BEFORE THE 3RD RESPONDENT.

**EXT.P6:** COPY OF APPLICATION FOR RENEWAL DTD. 30/10/2004 U/S.25/26 OF THE WATER (PREVENTION AND CONTROL OF POLLUTION) ACT, 1974 BY THE PETITIONER.

**EXT.P7:** COPY OF LETTER DTD. 4/04/2007 SENT BYTHE 4TH RESPONDENT TO THE 2ND RESPONDENT.

**EXT.P8:** COPY OF DECISION DTD. 19/04/2007 OF THE 2ND RESPONDENT.

**EXT.P9:** COPY OF REPLY DTD. 21/04/2007 SENT BY THE PETITIONER TO THE 2ND RESPONDENT.

**EXT.P10:** COPY OF LETTER DTD. 27/04/2007 SENT BY THE 2ND RESPONDENT TO THE PETITIONER.

**EXT.P11:** COPY OF MANGALA PATHRAM DTD. 20/01/2006 ISSUED BY MAHATMA GANDHI MEMORIAL NATIONAL CENTRE FOR EDUCATION & RESEARCH TO THE PETITIONER UNIT.

**EXT.P12:** COPY OF THE PROJECT PROPOSAL DTD. 11/05/2007.

**EXT.P13:** COPY OF THE LETTER DTD. 11/05/2007 SENT BY THE PETITIONER TO THE 5TH RESPONDENT.

*KSS* **..2/-**

**WPC.NO.14226/2007 R**

**I.A.NO.10157/2007:**

**EXT.P13: COPY OF LETTER DTD. 12/07/2007 TO THE 2ND RESPONDENT.**

**EXT.P14: COPY OF LETTER DTD. 12/07/07 TO THE 4TH RESPONDENT.**

**EXT.P15: COPY OF LETTER DTD. 12/07/2007 TO THE 5TH RESPONDENT.**

**EXT.P16: COPY OF SPEED POST RECEIPT.**

**EXT.P17: COPY OF PROOF OF DELIVERY ON 13/07/2007.**

**I.A.NO.13015/2007**

**EXT.P18: COPY OF LETTER DTD. 21/09/2007.**

**EXT.P19: COPY OF CERTIFICATE OF ANALYSIS DTD. 16/09/2007.**

**EXT.P20: COPY OF LETTER DGD. 19/09/2007.**

**5TH RESPONDENT'S EXHIBITS:**

**EXT.R5(A): COPY OF THE LETTER DTD. 28/08/2006.**

**EXT.R5(B): COPY OF THE DIRECTION ISSUED BY THE BOARD DTD. 28/03/2007.**

**EXT.R5(C): COPY OF THE REPORT OF ANALYSIS DTD. 23/05/2007.**

**2ND RESPONDENT'S EXHIBITS:**

**EXT.R2(A): COPY OF THE COMPLAINT LODGED BEFORE THE 2ND RESPONDENT.**

**EXT.R2(B): COPY OF THE COMPLAINT LODGED BEFORE THE 2ND RESPONDENT.**

**3RD RESPONDENT'S EXHIBIT:**

**EXT.R3(A): COPY OF THE REPORT FILED BYTHE 3RD AND 5TH RESPONDENT DTD. 09/08/2007.**

**6TH RESPONDENT'S EXHIBITS:**

**EXT.R6(A): COPY OF THE ORDER OF THE KERALA STATE POLLUTION CONTROL BOARD, DTD. 28/03/2007.**

**EXT.R6(B): COPY OF THE ORDER OF THE KERALA STATE POLLUTION CONTROL BOARD DTD. 4/05/2007.**

**EXT.R6(C): THE ROUGH SKETCH SHOWING THE LIE OF THE AREA.**

**/TRUE COPY/**

**P.S.TO JUDGE**

*KSS*

**PIUS C. KURIAKOSE, J.**

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W.P.(C)No.14226 OF 2007

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DATED THIS THE 30TH OCTOBER, 2007

**J U D G M E N T**

The writ petitioner claims in the affidavit in support of I.A.No.10157 of 2007 that he has complied with all the conditions which had been imposed by the Pollution Control Board for granting him consent. Under these circumstances, I dispose of the Writ Petition itself issuing the following directions:-

The District Environmental Engineer, Kerala State Pollution Control Board, Ernakulam under the 5th respondent and the Secretary of the Alangad Grama Panchayat will conduct a joint inspection of the dairy farm of the petitioner with notice to the petitioner and additional respondents 6 and 7. During the inspection, they will verify whether the petitioner's claim that he has complied with all the directions which had been issued to him by the Environmental Engineer for containing pollution is correct. If it is seen on such verification that the petitioner's claim is correct and that all the directions given to him by the authorities of the Pollution Control Board have been complied with, the consent will continue to operate and the petitioner will be entitled

to conduct the dairy farm. In other words, continuance of the dairy farm will be subject to the result of the verification to be made through the joint inspection as directed above.

**(PIUS C.KURIAKOSE, JUDGE)**

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